

NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT INDUSTRIAL COMMISSION OF ARIZONA

[M07-206]

1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

The subject of the substantive policy statement is the application of the Arizona Minimum Wage Act (the Act) to work activities performed by individuals with disabilities.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

This substantive policy statement was approved by the Commission at their March 29, 2007 meeting and became effective on that date.

3. Summary of the contents of the substantive policy statement:

The Substantive Policy Statement provides the Commission's interpretation of the term "employee" under the Act as it applies to work activities performed by individuals with disabilities. It distinguishes work activities performed for the primary benefit of the employer from work activities performed for the primary or personal benefit of the individual, concluding that an individual is not an "employee" under the Act if the individual performs work activities as a component of a vocational training program or for a therapeutic purpose under a service recipient program. The Substantive Policy Statement also includes a legal analysis supporting the Commission's interpretation.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

New

5. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name:	Randall A. Maruca, Director Arizona State Labor Department
Address:	800 W. Washington St. Phoenix, AZ 85007
Telephone:	(602) 542-5119
E-mail:	rmaruca@ica.state.az.us

6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of the Substantive Policy Statement can be obtained at a cost of \$.25 per page, from the Labor Division, Industrial Commission of Arizona, 800 W. Washington St., Ste., Phoenix, AZ 85007. Copies of the Substantive Policy Statement can also be obtained by going to http://www.ica.state.az.us/minimumWage/substantivePolicyDisabilities_32907.html. The policy may be downloaded or copied from the web site.